

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RELEVENT SPORTS, LLC,

Plaintiff,

-v-

UNITED STATES SOCCER FEDERATION, INC.,

Defendant.

No. 19-cv-08359 (VEC)

[PROPOSED] CIVIL CASE
MANAGEMENT PLAN
AND SCHEDULING
ORDER

[PROPOSED] CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER

This Civil Case Management Plan is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).

1. The parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c).
2. Except for amendments permitted by Fed. R. Civ. P. 15(a)(1) and this Court's Individual Practices in Civil Cases ("Individual Practices"), amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 30 days from the date of this Order.
3. Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than 14 days from the date of this Order.
4. [intentionally omitted]
5. Discovery.

The parties take the following positions regarding discovery:

- Relevant:
 - a. All fact discovery shall be completed no later than May 1, 2020.
 - b. All expert discovery, including reports, production of underlying documents, and depositions, shall be completed no later than August 3, 2020.
 - c. Within two weeks of the date of entry of this Scheduling Order, the parties shall meet and confer in person to agree upon a joint plan for meeting the discovery deadlines.

- U.S. Soccer: Because the parties intend to seek permission to file limited early summary judgment motions, U.S. Soccer respectfully submits that it would be premature at this time to set deadlines for the completion of all fact and expert discovery. Instead, U.S. Soccer proposes conducting limited discovery in support of the contemplated early motions for summary judgment (as discussed below, and more fully in the parties' joint letter), to be completed no later than April 3, 2020. To the extent necessary following the Court's resolution of the parties' anticipated motions for summary judgment, the parties would meet and confer on a prompt schedule for any necessary remaining fact and expert discovery.

In the case of discovery disputes, the parties should follow Local Civil Rule 37.2 with the following modifications: Any party wishing to raise a discovery dispute with the Court **must first meet and confer in good faith** with the opposing party, in person, or by telephone, in an effort to resolve the dispute. If this process fails and the Court's intervention is required, the parties must jointly call Chambers to schedule a joint teleconference with the court for prompt resolution of the dispute. The court will determine during the teleconference whether additional submissions will be required.

6. Counsel for the parties believe that private mediation after the close of fact discovery may be helpful in resolving this case.
7. This case is to be tried to a jury.
8. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Fed. R. Civ. P. 26(f)(3), are as follows:
 - Relevant: Relevant contemplates an early summary judgment motion on liability and injunctive relief, as is more fully described in the parties' joint letter.
 - U.S. Soccer: In the event U.S. Soccer's forthcoming motion to dismiss does not fully resolve this matter, U.S. Soccer anticipates seeking leave to file an early motion for summary judgment at the very least on the ground that Relevant's claims are precluded under the Ted Stevens Olympic & Amateur Sports Act, 36 U.S.C. § 220501, *et seq.* As noted above, U.S. Soccer would seek limited expedited discovery in support of that motion.
9. This Order may not be modified or the dates herein extended except by further Order of the Court for good cause shown. Unless the Court orders otherwise, parties engaged in settlement negotiations must pursue settlement and conduct discovery simultaneously. Parties should not assume that they will receive an extension of an existing deadline if settlement negotiations fail. Any application to modify or extend the dates herein shall be made by written application no later than two business days before the date sought to be extended in accordance with the Court's Individual Practices.
10. The next pretrial conference will be scheduled for 10:00 a.m. on:
 - Relevant: August 7, 2020.
 - U.S. Soccer: the first Friday following the completion of all fact discovery.

By Thursday of the week prior to that conference, the parties shall submit a joint letter regarding the status of the case. The letter should include the following information in separate paragraphs:

- a. a statement of all existing deadlines, due dates, and/or cut-off dates;
- b. a brief description of any outstanding motions;
- c. a brief description of the status of discovery and of any additional discovery that needs to be completed;
- d. a statement describing the status of any settlement discussions and whether the parties would like a settlement conference;
- e. a statement of the anticipated length of trial and whether the case is to be tried to a jury;
- f. a statement of whether any party anticipates filing a motion for summary judgment or a motion to exclude expert testimony;
- g. any other issue that the parties would like to address at the pretrial conference; and
- h. any other information that the parties believe may assist the Court in advancing the case to settlement or trial.

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¹ U.S. Soccer uses electronic signatures with consent in accordance with Rule 8.5(b) of the Court's ECF Rules and Instructions.